

# **AGENDA**

**TULARE CITY COUNCIL  
TUESDAY, SEPTEMBER 18, 2018  
Regular Session 7:00 p.m.  
TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS  
491 North "M" Street**

**MISSION STATEMENT  
TO PROMOTE A QUALITY OF LIFE MAKING TULARE THE MOST DESIRABLE COMMUNITY IN  
WHICH TO LIVE, LEARN, PLAY, WORK, WORSHIP AND PROSPER.**

Meeting audio will be uploaded to the City's website [www.tulare.ca.gov](http://www.tulare.ca.gov), no later than the Friday following the meeting, barring any technical difficulties, accessible by selecting the appropriate meeting date on the City Meeting Calendar page.

**7:00 p.m.**

**I. CALL TO ORDER REGULAR SESSION**

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

**III. CITIZEN COMMENTS**

*This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare City Council. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight.*

*This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

**IV. COMMUNICATIONS**

*Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the Agenda. No action will be taken on matters listed under communications; however, the Council may direct staff to schedule issues raised during communications for a future agenda. Citizen comments*

---

*will be limited to **three minutes**, per topic, unless otherwise extended by Council.*

## V. CONSENT CALENDAR

*All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of September 4, 2018 regular meeting(s). [Submitted by: R. Yoder]
- (3) Approve a request by Council Member Sigala to allocate not to exceed \$500 for discretionary use from 001-4010-2116 to cover rental costs associated with the Tulare County Office of Education Early Childhood Program – Parents Group Quarterly Meetings for fiscal year 18/19 located in the Tulare Room at the Meitzenheimer Community Center. [Requested by: J. Sigala]
- (4) Accept a Grant Deed for street right of way along Glass Avenue and authorize the City Manager to sign all Certificate of Acceptances for the dedications located on the west side of Hillman Street, approximately ¼ mile north of Corvina Avenue as follows [Submitted by: M. Miller]:
  - a. Relinquishment of Access Rights along Hillman Avenue;
  - b. Grant of Easement for public utility purposes along the street frontages from Hillman Tulare Investors, LLC;
  - c. Accept a Grant of Easement for street right of way and public utility purposes along Glass Avenue from Bill & Tanya Miller Family Limited Partnership;
  - d. Accept a Grant of Easement for storm drain and ponding basin purposes for city street storm water runoff;
  - e. Grant of Easement for street and public utilities purposes; and
  - f. Grant of Easement for temporary turnaround purposes at the end of Glass Avenue from Blackstone Ranch, LLC & Hidden Oak Development Co., Inc.
- (5) Approve a subdivision improvement agreement with Holt Distressed Properties Fund (Parallel 1), 2010, L.P. for the Montecito Subdivision for recordation. [Submitted by: M. Miller]

- (6) **Adopt Resolution 18-49** authorizing the installation of one-way stop control at the intersection of King Avenue and “F” Street, and two-way stop control at the intersections of King Avenue and “G” Street and King Avenue and “H” Street. [Submitted by M. Miller]
- (7) Authorize the City Manager or designee to sign a contract amendment with Provost & Pritchard Consulting Group of Visalia, CA in the amount of \$7,000 for electrical engineering services related to Projects SD0016, 0017, and 0018; storm drain lift station upgrades at three sites. [Submitted by: J. Funk]
- (8) Reject the liability claim for damages filed by Wesley J. Hensley on August 31, 2018. [Submitted by: J. Avila]
- (9) **Adopt Ordinance 18-05** amending and replacing Title 7 Chapter 7.16, Garbage Collection and Street Sweeping Services, and Title 7 Chapter 7.18, Recycling and Diversion of Construction and Demolition Debris of the Tulare Municipal Code. [Submitted by: T. Whitfield]
- (10) Award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera CA for a total amount of \$117,768.00 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$11,776.80) of the contract award amount. [Submitted by: T. Whitfield]
- (11) Receive an informational item regarding the Solid Waste Authorized Haulers Resolution 18-07. [Submitted by: T. Whitfield]

## **VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

- (1) Presentation of the Tulare Local Healthcare District Board Members Xavier Avila, Steve Harrell and Randy Dodd (Adventist Health Tulare) regarding Measure H, a November 6, 2018 ballot measure seeking voter approval to lease the Tulare Hospital to Adventist Health, to assure ongoing emergency medical services, acute care hospital services, and other healthcare services; and consideration and possible approval of support for Measure H regarding the Tulare Hospital.
- (2) Presentation by economic development consulting firm Buxton regarding the mid-year review of the retail attraction services agreement with the City of Tulare.

## **VII. MAYOR’S REPORT**

## **VIII. STUDENT REPORTS**

## IX. GENERAL BUSINESS

*Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.*

(1) Public Hearing:

- a. Public Hearing to **pass-to-print Ordinance 18-06** amending Chapter 3.08 of Title 3 of the City Code pertaining to California Fire Regulations Section 3.08.080 (Safe and Sane Fireworks). [Submitted by: L. Nevarez]

*[The following item was continued from the September 4, 2018 meeting.]*

- b. Public Hearing to **adopt Resolution 18-50** adopting a Mitigated Negative Declaration Addendum prepared for Tentative Subdivision Map 2018-12 (Liberty Hill) General Plan Amendment No. 2018-01 and Zone Amendment No 728; and **adopt Resolution 18-51** to approve General Plan Amendment No. 2018-01 providing for a change in land use designation on approximately 7 acres from Neighborhood Commercial to Low Density Residential, and **pass-to-print Ordinance 18-07** approving Zone Amendment No. 728, changing the existing zoning on approximately 79.5 acres from the R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot area) and C-1 (Neighborhood Commercial) zone districts to the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area) zone district on property located on the northwest corner of Bardsley Avenue and West Street. [Submitted by: J. McDonnell]
- c. Public Hearing to **adopt Resolution 18-52** approving the 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER) providing information on the progress and status of projects administered by the City using CDBG funds and authorize the City Manager or his designee to submit the CAPER to the Department of Housing and Urban Development (HUD) on behalf of the City of Tulare. [Submitted by: T. Myers]

## X. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

## XI. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)  
Name of Case: TPOU v. City of Tulare, TCSC Case No. VCU275368  
[Submitted by: M. Zamora]
- (b) 54957(b) – Public Employee Appointment: City Manager [Submitted by: J. Avila]

**XII. RECONVENE CLOSED SESSION**

**XIII. CLOSED SESSION REPORT (if any)**

**XIV. ADJOURN REGULAR MEETING**

In compliance with the Americans with Disabilities and Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the City Manager's Office (559) 684-4200. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title II), and allow for the preparation of documents in the appropriate alternate format.

[Note: Pursuant to Government Code 54957.5 - Effective 7/1/08 Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the City Clerk's Office at City Hall located at 411 East Kern Avenue during normal business hours.]